

Message Text

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ACTION ARA-14

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SUBJ: CHANGES IN BOLIVIAN HUMAN RIGHTS REPORTS (PART A)

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WHILE I UNDERSTAND THAT AT THIS LATE DATE IT WILL BE DIFFICULT FOR THE DEPARTMENT TO MAKE CHANGES IN ITS HUMAN RIGHTS REPORT TO BE SUBMITTED TO THE CONGRESS, I NEVERTHELESS BELIEVE THAT SIGNIFICANT DEVELOPMENTS HAVE OCCURRED IN BOLIVIA IN THE PAST 30 DAYS THAT MAKE CHANGES IMPERATIVE IF THE HUMAN RIGHTS REPORT IS TO FAIRLY AND ACCURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS IN BOLIVIA. (THE STATEMENTS BELOW REGARDING RESTORATION OF TRADE UNION FREEDOMS ARE BASED ON PUBLIC STATEMENTS AND PRIVATE ASSURANCES MADE TO THE EMBASSY BY THE MINISTER OF LABOR THAT A DECREE TO THIS EFFECT WILL BE APPROVED BY THE CABINET JANUARY 24.) CONSEQUENTLY, I PROPOSE THE FOLLOWING KEYED CHANGES TO REFTEL. (MOST SECTIONS HAVE BEEN ONLY PARTIALLY REVISED BUT ARE REPEATED HERE FOR SAKE OF CLARITY.)

1. GENERAL HUMAN RIGHTS SITUATION: PRESIDENT BANZER'S ANNOUNCEMENT OF NOVEMBER 7, 1977 THAT BOLIVIA WOULD RETURN TO CIVILIAN CONSTITUTIONAL GOVERNMENT IN 1978 HAS LED TO A LIMITED OFFICIAL USE

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SERIES OF SIGNIFICANT IMPROVEMENTS IN THE STATUS OF HUMAN RIGHTS IN BOLIVIA. IN THE AREA OF POLITICAL RIGHTS THE GOB HAS ANNOUNCED THAT PRESIDENTIAL AND PARLIAMENTARY ELECTIONS WILL BE HELD ON JULY 9, 1978 AND ALL RESTRICTIONS ON POLITICAL PARTY AND TRADE UNION ACTIVITIES HAVE SINCE BEEN LIFTED. IN THE AREA OF PERSONAL AND POLITICAL SECURITY THERE HAS BEEN SIGNIFICANT CHANGE AS WELL. FIRST, THE GOB ANNOUNCED IN DECEMBER

A PARTIAL AMNESTY ALLOWING ALL BUT 348 BOLIVANS TO RETURN FROM EXILE. AT THE SAME TIME THE GOB ANNOUNCED THE RELEASE OF 33 OF THE 52 POLITICAL PRISONERS THEN IN CUSTODY AND THE REMANDING FOR TRIAL OF THE REMAINING 19.

THEN IN JANUARY 1978, UNDER PRESSURE OF A HUNGER STRIKE, THE GOB ANNOUNCED A GENERAL AMNESTY TO ALL BOLIVIAN IN EXILE OR SUBJECT TO THE SYSTEM OF "RESIDENCIAMIENTO" (RESTRICTIONS ON ACTIVITY OR MOVEMENT). CONTINUED ECONOMIC PROGRESS, WITH SIGNIFICANT EMPHASIS IN THE RURAL POOR, HAS ALSO UNDOUBTEDLY IMPROVED THE SITUATION OF SOME OF THE POOREST SEGMENTS OF BOLIVIAN SOCIETY AND CONTRIBUTED TO THE ECONOMIC AND SOCIAL COHESION OF THIS COUNTRY.

RESPECT FOR THE INTEGRITY OF THE PERSON INCLUDING FREEDOM FROM:

A. TORTURE: INFORMED HUMAN RIGHTS PROPONENTS HAVE TOLD THE EMBASSY THAT THE SECURITY POLICE CONTINUED IN 1977 TO USE FORMS OF TORTURE AGAINST POLITICAL PRISONERS THEY CONSIDERED TO BE IMPORTANT DURING INITIAL INTERROGATION TO OBTAIN INFORMATION. HOWEVER, WITH THE DECREASE IN 1977 IN THE NUMBER OF POLITICAL PRISONERS (SEE C BELOW) THERE WAS A SIGNIFICANT DECREASE IN THE NUMBER OF ALLEGED INCIDENTS OF TORTURE. WITH THE RELEASE OF 33 POLITICAL PRISONERS AND THE REMANDING TO THE COURTS FOR TRIAL OF THE REMAINING 19 POLITICAL PRISONERS IN DECEMBER 1977 AND JANUARY 1978 THERE HAVE BEEN NO LIMITED OFFICIAL USE

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RECENT ALLEGATIONS OF TORTURE.

B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT: FOLLOWING STATEMENT SHOULD BE ADDED TO THE END OF THIS PARAGRAPH IN REFTEL.
"INTERNATIONAL OBSERVERS CONSIDER THAT TREATMENT OF POLITICAL PRISONERS IN DETENTION CENTERS HAS BEEN CORRECT, BUT THERE HAVE BEEN ALLEGATIONS AND SOME SINGS OF MISTREATMENT DURING INITIAL INTERROGATION BEFORE ARRIVING AT DETENTION CENTERS."

C. ARBITRARY ARREST OR IMPRISONMENT: THE NUMBER OF ARBITRARY ARRESTS FOLLOWED BY IMPRISONMENT, AS MENTIONED ABOVE, DECLINED SIGNIFICANTLY DURING THE PAST YEAR. IN A REPORT PUBLISHED IN OCTOBER 1977 THE PERMANENT ASSEMBLY ON HUMAN RIGHTS (PAHR) LISTED 450 PEOPLE AS HAVING BEEN DETAINED FOR VARIOUS PERIODS UP TO THAT TIME IN 1977 COMPARED TO 800 IN 1976, 900 IN 1975 AND 2400 IN 1974. EVEN ACCEPTING THESE FIGURES AS ACCURATE, AND ONE WELL-INFORMED OBSERVER HAS TOLD THE EMBASSY THEY ARE EXAGGERATED, THEY DEMONSTRATE THE STEADY DECLINE IN THE NUMBER OF PEOPLE ARRESTED FOR POLITICAL REASONS. (MANY INNOCENT PEOPLE WERE UNFORTUNATELY ARRESTED BECAUSE PERSONAL ENEMIES DENOUNCED THEM TO THE POLICE AS "SUBVERSIVES".) MOST PEOPLE ARRESTED WITH REGARD TO ALLEGED SECURITY OR POLITICAL

OFFENSES WERE DETAINED FOR A FEW MONTHS AND RELEASED. WITH THE RELEASE OF 33 POLITICAL PRISONERS AND THE REMAND OF THE OTHER 19 POLITICAL PRISONERS TO THE COURTS FOR TRIAL FOR COMMON CRIMES, THE GOB CLAIMS THAT IT NO LONGER HAS ANY POLITICAL PRISONERS. HOWEVER, THE EMBASSY UNDERSTANDS THAT SOME OF THE 33 POLITICAL PRISONERS WERE RELEASED ON THE CONDITION THEY LEAVE BOLIVIA. IT IS NOT KNOWN WHETHER THESE INDIVIDUALS WOULD BE SUBJECT TO ARREST AND TRIAL IF THEY DECIDE TO RETURN UNDER THE TERMS OF THE GENERAL AMNESTY ANNOUNCED IN JANUARY 1978.

D. DENIAL OF FAIR PUBLIC TRIAL: DURING MOST OF 1977 THERE WAS LITTLE IMPROVEMENT IN THE GOB RECORD IN THIS AREA. HOWEVER, WITH THE RELEASE OR THE REMANDING TO THE COURTS OF LIMITED OFFICIAL USE

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ALL REMAINING POLITICAL PRISONERS IN DECEMBER 1977 AND JANUARY 1978, THE GOB HAS SIGNIFICANTLY IMPROVED ITS RECORD IN THIS AREA. (THE REMAINDER OF THIS SECTION BEGINNING "THE BOLIVIAN SYSTEM OF JUSTICE" IS UNCHANGED.)

E. INVASION OF THE HOME - NO CHANGES.

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2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A. FREEDOM OF THOUGHT, RELIGION, AND ASSEMBLY - THESE RIGHTS ARE GENERALLY RESPECTED IN BOLIVIA WITH SOME EXCEPTIONS, MOST OF WHICH OF WHICH ARE IN THE PROCESS OF BEING REMOVED. ON NOVEMBER 9, IN PREPARATION FOR PRESIDENTIAL ELECTIONS TO BE HELD IN JULY 1978, PRESIDENT BANZER ANNOUNCED THE LIFTING OF THE NOVEMBER 1974 DECREES SUSPENDING ALL POLITICAL ACTIVITY. POLITICAL PARTIES ARE NOW FREE TO ASSEMBLY AND CONDUCT THEIR NORMAL ACTIVITIES. IN JANUARY 1978 THE GOB LIFTED ALL RESTRICTIONS ON TRADE UNION ACTIVITIES. RESTRICTIVE DECREES REMAIN IN EFFECT FOR UNIVERSITIES AND PROFESSIONAL GROUPS BUT ARE NOW UNDER ACTIVE REVIEW AND IT IS EXPECTED THAT THESE TOO WILL BE ENDED EITHER SHORTLY BEFORE OR AFTER THE JULY 1978 ELECTION. IN THE MEANTIME, CIVIC ORGANIZATIONS CONTINUE TO MEET WITHOUT GOVERNMENT REPRISALS. (REMAINDER OF THIS SECTION IS UNCHANGED).

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY, FOREIGN TRAVEL AND IMMIGRATION POLICY--MOST BOLIVIANS ENJOY COMPLETE FREEDOM OF MOVEMENT, BOTH WITHIN AND WITHOUT BOLIVIA. HOWEVER, THE PERMANENT ASSEMBLY ON HUMAN RIGHTS HAS ESTIMATED THAT THE GOVERNMENT HAS EXILED SOME 3,610 PEOPLE SINCE IT TOOK POWER LIMITED OFFICIAL USE

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IN 1971. THE NUMBER EXILED ANNUALLY HAS DROPPED STEADILY FROM A HIGH OF 1,200 PEOPLE EXILED IN 1971 TO A LOW OF 60 THROUGH OCTOBER OF 1977. WHILE THE ASSEMBLY ALSO STATES THAT "A TOTAL OF 19,140 PEOPLE HAVE HAD TO LEAVE BOLIVIA", THIS FIGURE INCLUDES 5,430 PEOPLE WHO HAVE CHOSEN VOLUNTARILY TO LEAVE BOLIVIA, MANY APPARENTLY OUT OF FEAR, AND SOME 10,100 DEPENDENTS. WITH THE PARTIAL AMNESTY ANNOUNCED BY THE GOB IN DECEMBER 1977 AND THE GENERAL AMNESTY ANNOUNCED JANUARY 1978, ALL BOLIVIANS ARE ABLE TO RETURN TO BOLIVIA (ALTHOUGH SOME RETURNEES COULD BE CHARGED WITH COMMON CRIMES IF THE GOVERNMENT HAS EVIDENCE FOR SUCH A CHARGE). MOREOVER, THE JANUARY GENERAL AMNESTY INCLUDED THOSE BOLIVIANS ESTIMATED BY THE PAHR TO NUMBER SOME 2,000 COVERED BY THE SYSTEM OF "RESIDENCIAMIENTO" WHICH RESTRICTED AN INDIVIDUAL TO OR FROM AN AREA, E.G., A MINER BELIEVED TO HAVE BEEN INVOLVED IN PROSCRIBED POLITICAL ACTIVITIES WAS RESTRICTED FROM RETURNING TO WORK IN THE MINE. MANY OF THESE PEOPLE WERE ALSO REQUIRED TO REPORT TO THE POLICE MONTHLY, WEEKLY OR DAILY. MOST FORMER POLITICAL PRISONERS WERE INCLUDED IN THIS SYSTEM.

C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS. ON NOVEMBER 9, 1977, PRESIDENT BANZER ANNOUNCED THAT PRESIDENTIAL ELECTIONS WOULD BE HELD IN JULY 1978. HE ALSO ANNOUNCED THE LIFTING OF THE NOVEMBER 1974 DECREE SUSPENDING ALL POLITICAL ACTIVITIES. SINCE THEN THE GOB HAS SET JULY 9, 1978 AS THE DATE OF THE ELECTIONS AND ISSUED A GENERAL AMNESTY ALLOWING ALL BOLIVIAN POLITICIANS

TO RETURN FROM EXILE.

3. SECTIONS THREE THROUGH FIVE REMAIN UNCHANGED.

6. IT SHOULD BE ADDED THAT DURING THE JANUARY 1978 HUNGER
STRIKE DIRECTED BY THE PAHR, ONE PAHR OFFICIAL, FATHER
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GREGORIO IRIARTE, WAS ARRESTED FOR TWO DAYS AND THEN RELEASED
UNHARMED AT THE END OF THE STRIKE.
BOEKER

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